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November 1, 2007

Via Electronic Filing

Honorable Patti B. Saris  
United States District Court Judge  
United States District Court  
1 Courthouse Way  
Boston, Massachusetts

Re: Bobbit v. Filipowski, No. 04-12263-PBS

Dear Judge Saris:

I am one of the lead counsel for plaintiffs in the above referenced case. The parties respectfully request what they believe is the final continuance of the status conference scheduled for this Monday, November 5, 2007.

In our last correspondence with this Court of September 12, 2007, in which we requested an adjournment of a status conference, we indicated that the parties in this action were still awaiting the settlement of the action of the Trustee with divine's former officers and directors. I am happy to report to the Court that the trustees in the Enivid/Divine and Sabine/RoweCom (the "Estate Representatives") bankruptcies have concluded the settlement of their case against the Divine directors and officers.

The Plaintiffs in this case and those in the Trustee case yesterday signed an agreement pursuant to which the Estate Representatives agree to dismiss their appeal of the order of the bankruptcy court which permitted the use of the funds

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from divine's Directors and Officer's liability policies to fund the settlement in this action in exchange for Plaintiffs' agreement to reduce the amount of their settlement with defendants from \$6.5 million to \$6.3 million.

We understand the Estate Representatives will seek approval of their settlement in Bankruptcy Court by the end of this month. In addition, Plaintiffs will submit for this Court's approval revised settlement documents and an amended motion for preliminary approval revised to reflect the slight modification in settlement amount.

Only after the bankruptcy court approves of the Trustee's settlement and Plaintiffs' amended motion is filed and submitted to this Court for approval will this Court be able to fix a schedule for notice to go out to class members and for final fairness hearing. Therefore, the parties respectfully request an additional continuance of 45 days of the November 5, 2007y status conference by which time it is hoped and anticipated that the Bankruptcy Court will approve the Trustee's settlement and revised preliminary approval documents settlement documents have been submitted to this Court.

Respectfully submitted.

/s/ Howard T. Longman

Howard T. Longman

cc: All counsel via electronic filing